

26 | certain conditions; amending s. 101.151, F.S.;

27 | requiring ballots to indicate whether a candidate not

28 | subject to term limits is an incumbent; repealing s.

29 | 101.75, F.S., relating to change of dates for cause in

30 | municipal elections; amending s. 105.031, F.S.;

31 | allowing certain nonpartisan candidates to use a

32 | certified check to pay candidate qualification fee;

33 | amending s. 121.121, F.S.; correcting a cross-

34 | reference; providing that the terms of incumbent

35 | elected municipal officers are extended until the next

36 | municipal election; providing effective dates.

37 |

38 | Be It Enacted by the Legislature of the State of Florida:

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40 | Section 1. Subsections (4) through (7) of section 99.012,

41 | Florida Statutes, are renumbered as subsections (5) through (8),

42 | respectively, present subsection (7) is amended, and a new

43 | subsection (4) is added to that section, to read:

44 | 99.012 Restrictions on individuals qualifying for public

45 | office.—

46 | (4) (a) Any officer who qualifies for federal public office

47 | must resign from the office he or she presently holds if the

48 | terms or any part thereof run concurrently with each other.

49 | (b) The resignation is irrevocable.

50 | (c) The resignation must be submitted in writing no later

51 than the date upon which the officer qualifies for office.

52 (d) The written resignation must be effective no later
 53 than the earlier of the following dates:

54 1. The date the officer would take office, if elected; or

55 2. The date the officer's successor is required to take
 56 office.

57 (e)1. An elected district, county, or municipal officer
 58 must submit his or her resignation to the officer before whom he
 59 or she qualified for the office he or she holds, and must submit
 60 a copy of his or her resignation to the Governor and the
 61 Department of State.

62 2. An appointed district, county, or municipal officer
 63 must submit his or her resignation to the officer or authority
 64 which appointed him or her to the office he or she holds, and
 65 must submit a copy of his or her resignation to the Governor and
 66 the Department of State.

67 3. Any other officer must submit his or her resignation to
 68 the Governor, and must submit a copy of his or her resignation
 69 to the Department of State.

70 (f)1. The failure of an officer who qualifies for federal
 71 public office to submit a resignation pursuant to this
 72 subsection constitutes an automatic irrevocable resignation,
 73 effective immediately, from the office he or she presently
 74 holds.

75 2. The Department of State shall send a notice of the

76 automatic resignation to the Governor, and in the case of a
 77 district, county, or municipal officer, a copy of the notice of
 78 automatic resignation to:

79 a. The officer before whom he or she qualified if he or
 80 she held an elective office; or

81 b. The officer or authority who appointed him or her if he
 82 or she held an appointive office.

83 (g) The provisions of any special act to the contrary
 84 notwithstanding, with regard to an elective office, the
 85 resignation creates a vacancy in office to be filled by
 86 election, thereby permitting persons to qualify as candidates
 87 for nomination and election as if the officer's term was
 88 otherwise scheduled to expire. With regard to an elective
 89 charter county office or elective municipal office, the vacancy
 90 created by the officer's resignation may be filled for that
 91 portion of the officer's unexpired term in a manner provided by
 92 the respective charter. The office is deemed vacant upon the
 93 effective date of the resignation submitted by the official in
 94 his or her letter of resignation.

95 (8)(7) Nothing contained in subsection (3) or subsection
 96 (4) relates to persons holding any federal office ~~or seeking the~~
 97 ~~office of President or Vice President.~~

98 Section 2. Subsection (1) of section 99.021, Florida
 99 Statutes, is amended to read:

100 99.021 Form of candidate oath.—

101 (1) (a)1. Each candidate, whether a party candidate, a
 102 candidate with no party affiliation, or a write-in candidate, in
 103 order to qualify for nomination or election to any office other
 104 than a judicial office as defined in chapter 105 or a federal
 105 office, shall take and subscribe to an oath or affirmation in
 106 writing. A copy of the oath or affirmation shall be made
 107 available to the candidate by the officer before whom such
 108 candidate seeks to qualify and shall be substantially in the
 109 following form:

110 State of Florida
 111 County of....

112 Before me, an officer authorized to administer oaths,
 113 personally appeared ... (please print name as you wish it to
 114 appear on the ballot) ..., to me well known, who, being sworn,
 115 says that he or she is a candidate for the office of; that
 116 he or she is a qualified elector of County, Florida; that
 117 he or she is qualified under the Constitution and the laws of
 118 Florida to hold the office to which he or she desires to be
 119 nominated or elected; that he or she has qualified for no other
 120 public office in the state, the term of which office or any part
 121 thereof runs concurrent with that of the office he or she seeks;
 122 that he or she has resigned from any office from which he or she
 123 is required to resign pursuant to s. 99.012, Florida Statutes;
 124 and that he or she will support the Constitution of the United
 125 States and the Constitution of the State of Florida.

176 such person may be printed on the ballot. Each person seeking
 177 election as a write-in candidate shall subscribe to the oath
 178 prescribed in this section in order to be entitled to have
 179 write-in ballots cast for him or her counted.

180 Section 3. Subsection (7) of section 99.061, Florida
 181 Statutes, is amended to read:

182 99.061 Method of qualifying for nomination or election to
 183 federal, state, county, or district office.—

184 (7) (a) In order for a candidate to be qualified, the
 185 following items must be received by the filing officer by the
 186 end of the qualifying period:

187 1. A properly executed check or certified check drawn upon
 188 the candidate's campaign account payable to the person or entity
 189 as prescribed by the filing officer in an amount not less than
 190 the fee required by s. 99.092, unless the candidate obtained the
 191 required number of signatures on petitions pursuant to s.
 192 99.095. The filing fee for a special district candidate is not
 193 required to be drawn upon the candidate's campaign account. If a
 194 candidate's check is returned by the bank for any reason, the
 195 filing officer shall immediately notify the candidate and the
 196 candidate shall have until the end of qualifying to pay the fee
 197 with a cashier's check purchased from funds of the campaign
 198 account. Failure to pay the fee as provided in this subparagraph
 199 shall disqualify the candidate.

200 2. The candidate's oath required by s. 99.021, which must

201 contain the name of the candidate as it is to appear on the
 202 ballot; the office sought, including the district or group
 203 number if applicable; and the signature of the candidate, which
 204 must be verified under oath or affirmation pursuant to s.
 205 92.525(1) (a).

206 3. If the office sought is partisan, the written statement
 207 of political party affiliation required by s. 99.021(1) (b) or,
 208 in the case of a person seeking to qualify for election as a
 209 candidate with no party affiliation, s. 99.021(1) (c).

210 4. The completed form for the appointment of campaign
 211 treasurer and designation of campaign depository, as required by
 212 s. 106.021.

213 5. The full and public disclosure or statement of
 214 financial interests required by subsection (5). A public officer
 215 who has filed the full and public disclosure or statement of
 216 financial interests with the Commission on Ethics or the
 217 supervisor of elections prior to qualifying for office may file
 218 a copy of that disclosure at the time of qualifying.

219 (b) If the filing officer receives qualifying papers
 220 during the qualifying period prescribed in this section which do
 221 not include all items as required by paragraph (a) prior to the
 222 last day of qualifying, the filing officer shall make a
 223 reasonable effort to notify the candidate of the missing or
 224 incomplete items and shall inform the candidate that all
 225 required items must be received by the close of qualifying. A

226 candidate's name as it is to appear on the ballot may not be
 227 changed after the end of qualifying.

228 (c) The filing officer performs a ministerial function in
 229 reviewing qualifying papers. In determining whether a candidate
 230 is qualified, the filing officer shall review the qualifying
 231 papers to determine whether all items required by paragraph (a)
 232 have been properly filed and whether each item is complete on
 233 its face, including whether items that must be verified have
 234 been properly verified pursuant to s. 92.525(1)(a). The filing
 235 officer may not determine whether the contents of the qualifying
 236 papers are accurate.

237 Section 4. Subsection (2) of section 99.063, Florida
 238 Statutes, is amended to read:

239 99.063 Candidates for Governor and Lieutenant Governor.—

240 (2) No later than 5 p.m. of the 9th day following the
 241 primary election, each designated candidate for Lieutenant
 242 Governor shall file with the Department of State:

243 (a) The candidate's oath required by s. 99.021, which must
 244 contain the name of the candidate as it is to appear on the
 245 ballot; the office sought; and the signature of the candidate,
 246 which must be verified under oath or affirmation pursuant to s.
 247 92.525(1)(a).

248 (b) If the office sought is partisan, the written
 249 statement of political party affiliation required by s.
 250 99.021(1)(b) or, in the case of a person seeking to qualify for

251 election as a candidate with no party affiliation, s.
 252 99.021(1)(c).

253 (c) The full and public disclosure of financial interests
 254 pursuant to s. 8, Art. II of the State Constitution. A public
 255 officer who has filed the full and public disclosure with the
 256 Commission on Ethics prior to qualifying for office may file a
 257 copy of that disclosure at the time of qualifying.

258 Section 5. Subsection (1) of section 99.0955, Florida
 259 Statutes, is amended to read:

260 99.0955 Candidates with no party affiliation; name on
 261 general election ballot.—

262 (1) Each person seeking to qualify for election as a
 263 candidate with no party affiliation shall file his or her
 264 qualifying papers and pay the qualifying fee or qualify by the
 265 petition process pursuant to s. 99.095 with the officer and
 266 during the times and under the circumstances prescribed in s.
 267 99.061. A person seeking to qualify for election as a candidate
 268 with no party affiliation must be registered without party
 269 affiliation at the time of qualification. Upon qualifying, the
 270 candidate is entitled to have his or her name placed on the
 271 general election ballot.

272 Section 6. Effective July 1, 2020, section 100.3605,
 273 Florida Statutes, is amended to read:

274 100.3605 Conduct of municipal elections.—

275 (1) The Florida Election Code, chapters 97-106, shall

276 | govern the conduct of a municipality's election in the absence
 277 | of an applicable special act, charter, or ordinance provision.
 278 | No charter or ordinance provision shall be adopted which
 279 | conflicts with or exempts a municipality from any provision in
 280 | the Florida Election Code that expressly applies to
 281 | municipalities.

282 | (2) (a) The governing body of a municipality shall
 283 | determine if an election for municipal office is held on the
 284 | same date as the general election, the first Tuesday after the
 285 | first Monday in November in an odd-numbered year, or the first
 286 | Tuesday after the first Monday in April in an odd-numbered or
 287 | even-numbered year.

288 | (b) If a municipal charter or ordinance requires a runoff
 289 | election for municipal office, the governing body of a
 290 | municipality shall conduct its elections in one of the following
 291 | formats:

292 | 1. The initial election shall be held at the primary
 293 | election on the Tuesday 10 weeks before the general election and
 294 | the runoff election shall be held on the same date as the
 295 | general election.

296 | 2. The initial election shall be held at an election on
 297 | the Tuesday 10 weeks before the election held on the first
 298 | Tuesday after the first Monday in November in an odd-numbered
 299 | year and the runoff election shall be held at an election on the
 300 | first Tuesday after the first Monday in November in an odd-

301 numbered year.

302 3. The initial election shall be held at an election on
 303 the Tuesday 10 weeks before the first Tuesday after the first
 304 Monday in April and the runoff election shall be held at an
 305 election on the first Tuesday after the first Monday in April.

306 (c) This subsection does not affect the manner in which
 307 vacancies in municipal office are filled or recall elections for
 308 municipal officers are conducted.

309 (d) Notwithstanding any general law, special law, local
 310 law, municipal charter, or municipal ordinance, this subsection
 311 provides the exclusive method for establishing the dates of
 312 elections for municipal office in this state. Any general law,
 313 special law, local law, municipal charter, or municipal
 314 ordinance that conflicts with this subsection is superseded to
 315 the extent of the conflict.

316 (3) The governing body of a municipality may, by
 317 ordinance, ~~change the dates for qualifying and for the election~~
 318 ~~of members of the governing body of the municipality and provide~~
 319 for the orderly transition of office resulting from election
 320 ~~such~~ date changes.

321 Section 7. Subsection (4) of section 100.361, Florida
 322 Statutes, is amended to read:

323 100.361 Municipal recall.—

324 (4) RECALL ELECTION.—If the person designated in the
 325 petition files with the clerk, within 5 days after the last-

326 mentioned notice, his or her written resignation, the clerk
327 shall at once notify the governing body of that fact, and the
328 resignation shall be irrevocable. The governing body shall then
329 proceed to fill the vacancy according to the provisions of the
330 appropriate law. In the absence of a resignation, the chief
331 judge of the judicial circuit in which the municipality is
332 located shall fix a day for holding a recall election for the
333 removal of those not resigning. Any such election shall be held
334 not less than 30 days or more than 60 days after the expiration
335 of the 5-day period last-mentioned and at the same time as any
336 other general, municipal, or special election held within the
337 period; but if no such election is to be held within that
338 period, the judge shall call a special recall election to be
339 held within the period aforesaid.

340 Section 8. Paragraphs (c) and (d) of subsection (2) of
341 section 101.151, Florida Statutes, are redesignated as
342 paragraphs (d) and (e) respectively, and paragraph (c) is
343 created to read:

344 101.151 Specifications for ballots.—

345 (2)

346 (c) In any election in which a candidate is seeking
347 reelection to public office and the office sought is not subject
348 to term limits, the word "incumbent" shall appear on the ballot
349 next to the candidate's name.

350 Section 9. Section 101.75, Florida Statutes, is repealed.

351 Section 10. Paragraph (a) of subsection (5) of section
 352 105.031, Florida Statutes, is amended to read:

353 105.031 Qualification; filing fee; candidate's oath; items
 354 required to be filed.—

355 (5) ITEMS REQUIRED TO BE FILED.—

356 (a) In order for a candidate for judicial office or the
 357 office of school board member to be qualified, the following
 358 items must be received by the filing officer by the end of the
 359 qualifying period:

360 1. Except for candidates for retention to judicial office,
 361 a properly executed check or certified check drawn upon the
 362 candidate's campaign account in an amount not less than the fee
 363 required by subsection (3) or, in lieu thereof, the copy of the
 364 notice of obtaining ballot position pursuant to s. 105.035. If a
 365 candidate's check is returned by the bank for any reason, the
 366 filing officer shall immediately notify the candidate and the
 367 candidate shall, the end of qualifying notwithstanding, have 48
 368 hours from the time such notification is received, excluding
 369 Saturdays, Sundays, and legal holidays, to pay the fee with a
 370 cashier's check purchased from funds of the campaign account.
 371 Failure to pay the fee as provided in this subparagraph shall
 372 disqualify the candidate.

373 2. The candidate's oath required by subsection (4), which
 374 must contain the name of the candidate as it is to appear on the
 375 ballot; the office sought, including the district or group

376 | number if applicable; and the signature of the candidate, duly
 377 | acknowledged.

378 | 3. The loyalty oath required by s. 876.05, signed by the
 379 | candidate and duly acknowledged.

380 | 4. The completed form for the appointment of campaign
 381 | treasurer and designation of campaign depository, as required by
 382 | s. 106.021. In addition, each candidate for judicial office,
 383 | including an incumbent judge, shall file a statement with the
 384 | qualifying officer, within 10 days after filing the appointment
 385 | of campaign treasurer and designation of campaign depository,
 386 | stating that the candidate has read and understands the
 387 | requirements of the Florida Code of Judicial Conduct. Such
 388 | statement shall be in substantially the following form:

389 | Statement of Candidate for Judicial Office

390 | I, ...(name of candidate)..., a judicial candidate, have
 391 | received, read, and understand the requirements of the Florida
 392 | Code of Judicial Conduct.

393 | ...(Signature of candidate)...

394 | ...(Date)...

395 | 5. The full and public disclosure of financial interests
 396 | required by s. 8, Art. II of the State Constitution or the
 397 | statement of financial interests required by s. 112.3145,
 398 | whichever is applicable. A public officer who has filed the full
 399 | and public disclosure or statement of financial interests with
 400 | the Commission on Ethics or the supervisor of elections prior to

401 | qualifying for office may file a copy of that disclosure at the
 402 | time of qualifying.

403 | Section 11. Subsection (2) of section 121.121, Florida
 404 | Statutes, is amended to read:

405 | 121.121 Authorized leaves of absence.—

406 | (2) A member who is required to resign his or her office
 407 | as a subordinate officer, deputy sheriff, or police officer
 408 | because he or she is a candidate for a public office which is
 409 | currently held by his or her superior officer who is also a
 410 | candidate for reelection to the same office, in accordance with
 411 | s. 99.012(5) ~~99.012(4)~~, shall, upon return to covered
 412 | employment, be eligible to purchase retirement credit for the
 413 | period between his or her date of resignation and the beginning
 414 | of the term of office for which he or she was a candidate as a
 415 | leave of absence without pay, as provided in subsection (1).

416 | Section 12. To provide for an orderly transition of
 417 | office, the terms of incumbent elected municipal officers are
 418 | extended until the next municipal election held in accordance
 419 | with this act.

420 | Section 13. Except as otherwise expressly provided in this
 421 | act, this act shall take effect July 1, 2017.